

Message

From: Hayden, Melva [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C9D86FED0214BEE8AE42EE2EDE78FD1-HAYDEN, MELVA]
Sent: 7/20/2017 8:39:09 PM
To: scott rosmarin [rosmarin57@optonline.net]
CC: Ellis, Demian [Ellis.Demian@epa.gov]; Pane, Vickie [Pane.Vickie@epa.gov]; Shapiro, Naomi [Shapiro.Naomi@epa.gov]
Subject: Re: I/M/O Camp Rosmarin, Inc. and Rosmarins Land Holdings, LLC Docket No. TSCA-02-2017-9282

You're welcome Mr. Rosmarin. I would like to make one other amendment to the summary. In response to your question regarding the role of the tipster in EPA's settlement of enforcement cases involving violations of the Lead-Based Paint requirements under the Toxic Substance Control Act ("TSCA"). I inadvertently indicated that this matter involved a tip regarding violations of the RRP Rule under TSCA. That is incorrect. This case and the tip involves alleged violations of the Lead-Based Paint Disclosure Rule under TSCA.

Apologies for any confusion. I have several different active cases at any one time.

Sincerely,

Melva J. Hayden

Melva J. Hayden, Esq.
Assistant Regional Counsel
Region 2 Title VI Coordinator
Office of Regional Counsel
U.S. EPA - Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866
212-637-3230 (EPA Office)
212-637-3202 (EPA Fax)
718-712-5674 (Alternate Work Location Number)

From: scott rosmarin <rosmarin57@optonline.net>
Sent: Thursday, July 20, 2017 4:30 PM
To: Hayden, Melva
Subject: Re: I/M/O Camp Rosmarin, Inc. and Rosmarins Land Holdings, LLC Docket No. TSCA-02-2017-9282

Yes
Thanks

On Thu, Jul 20, 2017 at 03:56 PM, Hayden, Melva wrote:

Dear Mr. Scott Rosmarin,

You are welcome. I mentioned during our telephone conversation, but omitted from my summary, two additional items we discussed.

First, you confirmed that your father, Mr. Martin Rosmarin, did receive the Complaint addressed to Rosmarins Land Holdings, LLC. However, Mr. Martin Rosmarin only signed and returned one Certified Mail green card, the one sent to you Mr. Scott Rosmarin, President of Camp Rosmarin, Inc.

Second, please remember to include the case name and docket number in all correspondence you send to the RJO and EPA.

Should you or your attorney have any additional questions or wish to speak with me, please contact me at (212) 637-3230, or via email at hayden.melva@epa.gov.

Sincerely,

Melva J. Hayden

Melva J. Hayden

Melva J. Hayden, Esq.
Assistant Regional Counsel
Region 2 Title VI Coordinator
Office of Regional Counsel
U.S. EPA - Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866
212-637-3230 (EPA Office)
212-637-3202 (EPA Fax)
718-712-5674 (Alternate Work Location Number)

From: Scott Rosmarin <rosmarin57@optonline.net>

Sent: Thursday, July 20, 2017 3:40 PM

To: Hayden, Melva

Subject: Re: I/M/O Camp Rosmarin, Inc. and Rosmarins Land Holdings, LLC Docket No. TSCA-02-2017-9282

Thank you

Sent from my iPhone

On Jul 20, 2017, at 2:53 PM, Hayden, Melva <Hayden.Melva@epa.gov> wrote:

Dear Mr. Scott Rosmarin, et al

This email communication is in response to your calls made to my office on July 19, 2017 and today, July 20, 2017 in response to the Complaint EPA issued in regard to the above referenced matter.

This is also to summarize our telephone conversation held this afternoon and to respond to your questions.

With regard to requesting an extension of time to file an Answer, I informed you to send a letter to the Regional Judicial Officer ("RJO") at the address below.

Ms. Helen Ferrara
Regional Judicial Officer
U.S. EPA Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866,

You should indicate that you are requesting a 30-day extension of time to file an Answer to the Complaint. You may also send the extension request letter via email to the RJO at the following email address: ferrara.helen@epa.gov. I suggested that you provide a reason for the requested extension (e.g., to seek legal counsel, etc.).

With regard to the role, a tipster plays in the settlement discussions or negotiations, I explained that a tipster refers suspected Lead-Based Paint Renovation, Repair and Painting ("RRP") Rule violations to EPA. EPA then investigates the matter and initiates an enforcement action if the information referred is confirmed. The tipster plays no other role in EPA's settlement of an enforcement case.

With regard to being represented by counsel, in full disclosure, I informed you that I am the attorney assigned to represent EPA in this matter. I further explained that you may wish to obtain counsel in this matter, or you can represent yourself.

With regard to the proposed penalty listed in the Complaint, I explained to you that the proposed penalty may not be the final penalty the Parties agree to be paid in a settlement reached in this matter.

Lastly, you requested an informal settlement conference or meeting with EPA to discuss the matter. Toward that end, I will check with my program clients as to their availability and will provide you with prospective dates and times we will be available to schedule a telephone conference call, or a face-to-face meeting, whichever is more convenient for you.

You further indicated that your business has experienced financial problems and you cannot afford to pay the proposed penalty. I explained that you can provide EPA with documentation to support your ability to pay assertion. I further explained that the informal settlement conference is for the purpose of discussing all the facts that led EPA to initiate this enforcement action and settlement discussions.

If your recollection differs from that of mine as to what we discussed, please feel free to let me know and I will be happy to amend this summary accordingly.

I look forward to working with you and/or your attorney to resolve this matter.

Sincerely,

Melva J. Hayden

Melva J. Hayden, Esq.

Assistant Regional Counsel
Region 2 Title VI Coordinator
Office of Regional Counsel
U.S. EPA - Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866
212-637-3230 (EPA Office)
212-637-3202 (EPA Fax)
718-712-5674 (Alternate Work Location Number)